



FREDERICK COUNTY PLANNING COMMISSION

January 8, 2020

TITLE: **Sheetz Store Omega Center Lot 9B**

FILE NUMBER: **SP-19-16, AP#19863, FRO 19865**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Plan approval to construct a new 6,077 square foot Sheetz store and associated gas island proposed lot (9B) of 1.99 acres.

PROJECT INFORMATION:

ADDRESS/LOCATION: Intersection of MD 85 and Executive Way
TAX MAP/PARCEL: Tax Map 86, Parcels 219
COMP. PLAN: Limited Industrial (LI)
ZONING: Limited Industrial (LI)
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Sheetz Inc.
OWNER: Buckeystown Properties LLC
ENGINEER: Harris Smariga and Assoc.

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 – Rendered Site Plan
Exhibit 2 –Modification Letter
Exhibit 3 – Drive thru information

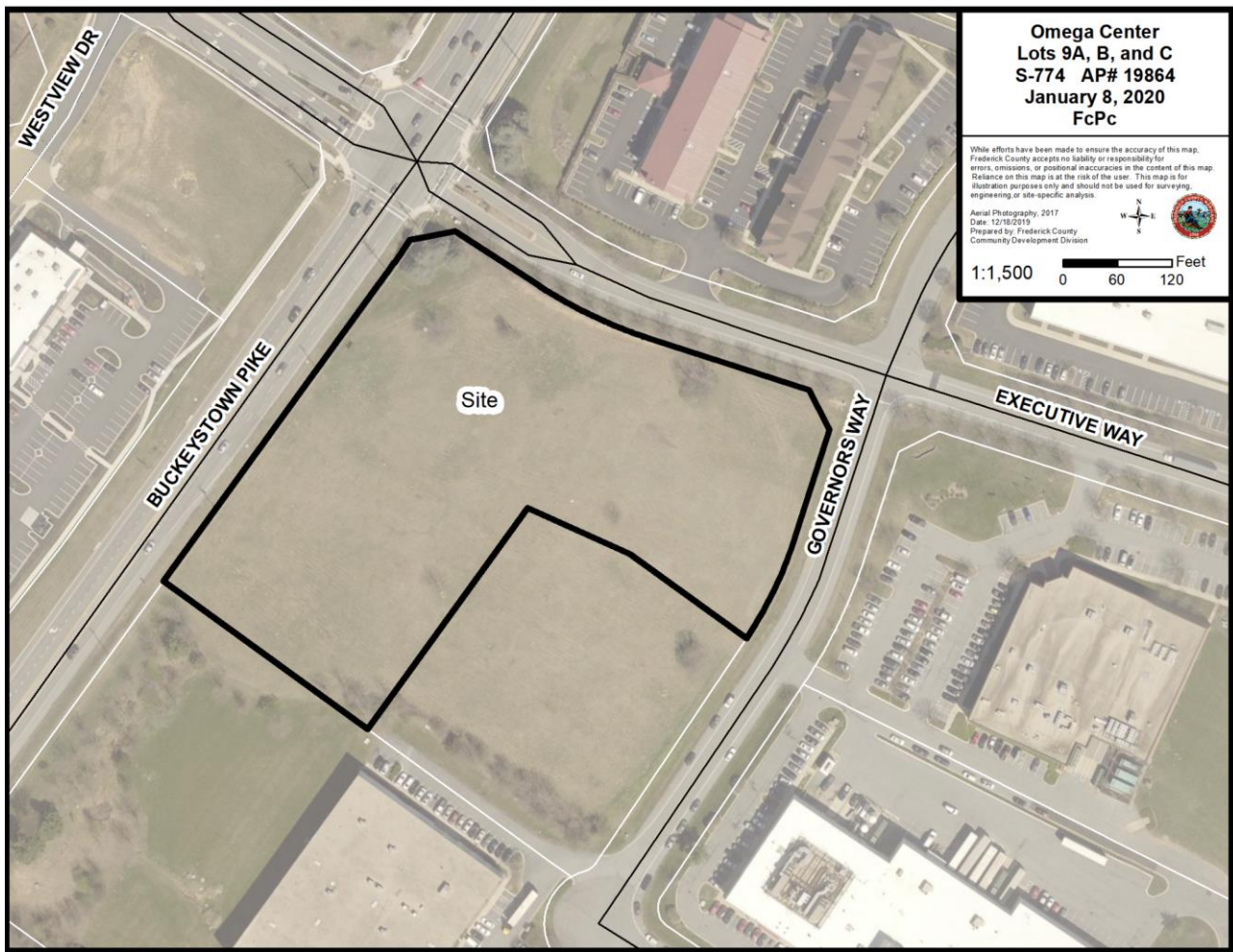
STAFF REPORT

ISSUE

The Applicant is requesting Site Plan approval to build a new 6,077 SF convenience store and associated gas islands. The proposed uses are being reviewed as an “Automobile Filling Station” land use under the heading *Automobile and Related Services* per §1-19-5.310 Use Table in the Zoning Ordinance. The proposed use are principal permitted uses in the Limited Industrial (LI) Zoning District subject to site development plan approval. Bill 19-09, approved by the Council in August 2019, added wording that permitted a convenience store to be included in the definition of Automobile Filling and Service Station.

The Site will provide three shared entrances; one on MD 85, one on Executive Way, and an internal connection to the east side shared with the future hotel site.

Figure 1: Site Vicinity Map – Aerial Image



BACKGROUND

Development History: The Site has never been proposed for development. It was originally recorded in 2001 and in 2019 an addition plat transferred .18 acres to Lot 8B to facilitate a hotel.

Existing Site Characteristics: The unimproved property is largely devoid of significant vegetation and generally slopes to the south west.

Surrounding Land Uses: The Site is surrounded by a mix of existing general commercial uses and light industrial uses in a very heavily developed section of the Buckeystown Pike corridor. A hotel has been approved for lot 8B, but is not yet constructed.

ANALYSIS

Summary of Development Standards Findings and Conclusions

The site plan meets all dimensional and bulk standards, parking, lighting, and landscape requirements; the Applicant has requested three modifications discussed later in this report.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for both a commercial use and an automobile related service in the Limited Industrial zone as established in Section 1-19-6.100.

The proposed setbacks for the facility are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	20,000 sf	87,081 sf
Minimum Lot Width	100'	300+' Buckeystown Pike
Front Yard	25'	75' to canopy
Side Yard	20'	85' to store
	• equal to height of the structure	
Rear Yard	NA-corner lot	
Max Building Height	60'	25'

The architecture shows a 25' height for the proposed building. The side yard needs to be changed to 25' on the plat.

- 2. Signage §1-19-6.300:** Per the Zoning Ordinance the maximum signage allowed for business identification in the LI zoning district is calculated based upon the following formula:

10 x the square root of the building frontage. The plan shows 174 feet of frontage on both MD 85 and Executive Way totaling 131.9 square feet of signage allowed. The Applicant proposes one free standing sign and additional signage on the building and the canopy for a total of 130.5 SF. The free standing sign is allowed a maximum height of 25' and a minimum setback of 12.5 feet. Applicant proposes a height of 24.4' and a setback of 12.5', which are in compliance with the Zoning Ordinance. Per the Ordinance, gas pricing signage is not included in the signage total.

3. Landscaping & Screening §1-19-6.400

The proposed on-site landscaping is in conformance with the zoning requirements. The planting area is adequate and in conformance with the Zoning Ordinance, consisting largely of native species. Parking area canopy coverage of 20% is in conformance with the Zoning Ordinance.

A total of seventeen street trees are required for the 562 linear feet of road frontage (297 on Executive Way and 265 on MD 85). The Applicant is proposing to provide 7 trees on Executive Way (3 existing and 4 new) and none on MD 85. They have submitted a modification request for the other street tree plantings due to existing utilities in the MD 85 frontage (30' SS easement), new sidewalk construction on Executive Way, and future widening of the MD 85 intersection. **This will require the approval of a modification to the street tree requirements. A letter has been submitted by the Applicant regarding this modification request. Section 1-19-6.400(A) does not grant the Planning Commission the authority to waive the street tree requirements. The code does allow the Planning Commission to approve an alternate on-site location;**

(A) Street trees. Street trees shall be provided along the property line adjacent to the paved surface of an existing or proposed public right of way in a planting area no less than 7 feet wide, and planted with shrubs or trees in accordance with the following minimum standards:

(1) One tree at least 6 feet in height at the time of planting shall be provided per 35 feet of roadway frontage.

(2) An alternate on-site location for trees may be approved by the Planning Commission or Planning Commission authorized representative when a specific finding is made that the alternate location is required due to:

- (a) Physical site constraints; or*
- (b) The irregular and non-linear nature of landscaping in the GI zoning district or, the RC, A, R1, or VC zoning districts outside of community growth areas; or*
- (c) Approval of an alternate planting design by the Planning Commission.*

Staff recommends that the Planning Commission require an alternative on-site location for the required street trees.

4. Lighting §1-19-6.500: The Applicant proposes to light the Site with a combination of building and canopy mounted lights (16 feet in height) and pole lights (24' in height). The canopy and building mounted lights are in conformance with the Code. Although 24' lights are permitted for industrial uses, the Ordinance limits commercial uses to 18' in height. The pole light height is dependent upon the use, not the zoning district. **The Applicant has requested a modification to allow the 24' height but staff feels the Ordinance is specific in designating height by use and notes the adjacent hotel site did not request such a modification.** Staff recommends that the **plan be revised to reflect the 18' requirement.** There are also several areas of light spillage shown on the photometric plan. However, given the commercial nature of the area and the interconnectivity of the Site

entrances, staff has no objection to this. **A modification request to the Planning Commission has been submitted by the Applicant for this excess illumination. Staff has no objection to this additional lighting at these commercial entrances.**

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

- 1. Access/Circulation & Pedestrian Circulation and Safety §1-19-6.220 (G):** There are future plans to widen MD 85 and this intersection in the future (hence the road dedication to SHA). SHA has approved the right in access from MD 85. The other two shared access points provide sufficient access through the Site.

Internally, there is an odd situation where the Drive Thru aisle is located across a drive aisle and customers must cross the drive aisle to reach the pick-up window. Staff acknowledges there is a similar situation in the Sheetz in Walkersville. The Applicant has submitted a summary of corporate data regarding the use of drive thru and feels the situation will be both workable and safe. Visibility is not an issue.

Pedestrian access will be facilitated by the construction of new sidewalk along Executive Way and the existing sidewalk on MD 85, as well as a future inter-connections to the hotel site and the other two lots in this block.

Connectivity §1-19-6.220 (F): The Sheetz plan provides interconnectivity with the common access lane that serves the hotel and future lot development.

Public Transit: The Site has close proximity to the Transit 85 corridor, which includes a stop on Governors Way.

- 3. Vehicle Parking §1-19-6.220:** Parking standards are established for Commercial Uses in the Zoning Ordinance with the requirements as follows:

Parking spaces required: 1 space per 300 SF of store floor area. This would require 20 parking spaces to be provided for this building's 6,077 SF. The Applicant believes this number is far too low for this type of use and has requested that 37 parking spaces be approved for this site plan. **A modification request for Planning Commission approval of the additional 17 spaces has been included in this submittal. Staff has no objection to the modification.**

The proposed 37 spaces will require two handicapped spaces and four are provided

- 4. Loading §1-19-6.210.B:** One 12 X 50 loading space is required and one is provided in the vicinity of the fuel tanks.
- 5. Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. § 1-19-6.220, two bike racks are required and the Applicant has noted that two are provided. However, **they need to be labeled on the plan.**

Public Utilities §1-19-3.300.4 (C): Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/Frederick County Health Department.

Findings/Conclusions

1. **Public Water and Sewer:** The Site is classified as W-1, S-1 with existing service for public water and sewer immediately adjacent to the lot.

Natural features §1-19-3.300.4 (D): Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

Findings/Conclusions

1. **Topography:** The Site is slightly sloped.
2. **Vegetation:** No vegetation of note currently exists on-site
3. **Sensitive Resources:** No constrained soils, floodplains, or wetlands are present on the Site.
4. **Natural Hazards:** No FEMA floodplain is identified on the Site.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: A Concept Stormwater Plan has been submitted and is conditionally approved for this Application.

APFO – Chapter 1-20: Per 1-20-8 (D)(5), APFO was addressed with the subdivision application for this Site (AP 19866)(APFO AP19864).

Forest Resource – Chapter 1-21: The Applicant has submitted an exemption from the Forest Resource Ordinance (FRO) because this property was previously mitigated under AP 18847 by the purchase of forest banking credits. The property contains no forest and no specimen trees (trees 30" or greater in diameter).

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Public Works Development Review (PWDR):</i>	Conditional Approval
<i>Development Review Planning:</i>	Conditional Approval
<i>DUSWM:</i>	Approval
<i>Street Name Review</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approval
<i>Traffic Engineering</i>	Approved
<i>APFO</i>	Approval
<i>FRO</i>	Approval

Recommendation

Staff has no objection to conditional approval of this site development plan. If the Planning Commission conditionally approves the site development plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through January 8, 2023).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning and FRO requirements once the following modifications are granted and conditions met:

Modifications requested by the Applicant for approval:

Section 1-19-6.220A: Applicant request for a modification to allow the number of parking spaces to be increased from the required 20 to a total of 37.

Section 1-19-6.400A: Applicant requests a modification of the street tree requirements to be allowed to plant 7 of the required 17 street trees. A modification of 10 trees is requested. Staff does not support this modification.

Section 1-19-6.500D: Applicant request a modification to be allowed to exceed the .5 foot candles of lighting at the property line in the areas of the commercial entrances drives.

Section 1-19-5.500B: Applicant requests a modification to allow 24' pole heights for a commercial use. Staff does not support this modification.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. The plat for this lot must be recorded prior to site plan approval and the recording reference noted on the plan. All easements associated with this use must be recorded and referenced on the site plan.
3. Label the bike racks on the plan.
4. Change side yard note to 25'.
5. Should the height modification listed above not be granted by the Commission; lower the light pole heights to 18'.
6. Provide an alternative on-site location for the 10 missing street trees. Location to be as close to Route 85 as possible.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-19-16 (AP #19863), based upon the modifications and conditions as listed in the staff recommendations for the proposed Sheetz on Lot 9B, Omega Center, as based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

EXHIBIT 1 Rendered Site Plan



EXHIBIT 2 Modification Letter

Sheetz Modification Letter.pdf

A/P 19863

Dear Jerry:

The Site Plan for the Sheetz convenience store and gasoline dispensing pumps at Omega Commons is being submitted for county review. This letter serves to provide justification for several modifications requested for the project.

Section 1-19-6.220(A) of the zoning ordinance sets standards regarding parking requirements. Per the parking requirements in the ordinance, the proposed Sheetz will generate a parking requirement of 20 parking spaces ($6,077 \text{ sf}/300 = 20 \text{ spaces}$).

Sheetz has been operating many stores in the mid-Atlantic region for several years. Based on this experience, they are very familiar with their site requirements, and parking demand. Sheetz has found, they require more parking than the current Frederick County code requires, particularly during times of higher demand and site traffic, for example during commuter times when site visits increase. Also due to the nature of a Sheetz convenience store offering more than simple gas transactions, and minor snacks and convenience items, a higher demand for parking is anticipated. These other offerings include, but are not limited to, fast food purchases, and drive-thru offerings. Site visits to Sheetz are typically brief in nature and are typically between 5 to 15 minutes average, and additional customer parking is necessary to adequately serve the public.

For these reasons, we request a modification to allow an increase of 17 spaces, for a total of 37 parking spaces.

Section 1-19-6.220(B) of the zoning ordinance sets standards regarding parking dimension requirements. Based on these dimensions for 90 degree parking, stall width is set at 9', stall depth is set at 18', and two-way aisle width is set at 24'. Per Section 1-19-6.220(B)(2), an increase in stall and aisle width may be granted when recommended by the Community Development Division Traffic Engineer and approved by the Planning Commission or their authorized representative for the following reasons: (a) Safety or site circulation needs which shall be based on an evaluation of land use turnover rates (ITE Traffic Engineering Handbook, 6th Edition as amended). The Applicant has worked w/ the County Traffic Engineer, Ron Burns, to receive his blessing for the increase stall width and aisle width. With the anticipated higher traffic turnover, the applicant kindly requests an increase in stall width to 10', and an increase in aisle width to a minimum of 30'.

Again, with Sheetz operating several stores in the Mid-Atlantic region for several years, and based on this experience, the standard stall width being implemented throughout the mid-atlantic region for Sheetz stores has been standardized to 10' width x 20' depth. Due to the Frederick County Code not allowing an increase in stall depth, but allowing an increase in aisle width, this additional 2' (from 18' to 20') has been placed into the adjacent drive aisles to facilitate safe vehicular, and pedestrian movement throughout the site.

For these reasons, we request a modification to allow an increase in parking stall width to 10', and an increase in drive aisle from 24' to a minimum of 30'.

Sheetz Modification Letter.pdf

adjacent parcels, it is necessary to exceed 0.50 foot-candles along these adjacent parcels. This is necessary from a design and safety perspective.

For these reasons, we request a modification to allow more than 0.50 foot-candles along the adjacent parcels in relation to the shared common access drives throughout the site.

Section 1-19-6.500(2) of the zoning ordinance states that for commercial uses, pole and building mounted lighting shall not exceed a maximum height of 18 feet for commercial uses. However, the property is zoned LI (Light Industrial), and for industrial uses 24 feet is the standard height. The adjacent parcels are also zoned LI, and it is important to note, existing Lot 8, immediately to the south, was approved w/ 30' light heights, as well as numerous other projects within Omega Commons. The adjacent development of Westview South Commercial parcels across Buckeystown Pike were also approved with an increase of light height of 22', 8' above the 14' permitted per code in an MXD. Using this logic, an increase from 18 feet to a minimum height of 24' is warranted. The proposed poles, which have become standard across Sheetz sites throughout the mid-atlantic region have standardized around using a 20' pole on a 3' concrete base, for a standard light pole height of 23'.

For these reasons, we request a modification to allow a minimum pole height of 24', inline w/ the standard industrial use maximum height of 24', which would be more inline w/ the surrounding development and the standardized Sheetz lighting standard.

Section 1-19-6.400(A) of the zoning ordinance establishes standards for landscaping in regards to Street Trees, stating street trees shall be provided along the property line adjacent to the paved surface of an existing or proposed public right of way in a planting area no less than 7 feet wide, and planted with shrubs or trees in accordance with the following minimum standards: One tree at least 6 feet in height at the time of planting shall be provided per 35 feet of roadway frontage.

Along Executive Way, the street tree requirement is 9 trees. Of the existing maple trees, 3 will remain and 6 must be replaced due to sidewalk and common access construction. During development review, it was discussed, and decided these trees would need to be removed in order to accommodate a new public sidewalk to Buckeystown Pike and the surrounding developments, as well as to accommodate site traffic via the shared common access drive. It is requested the street tree requirement along Executive Way be reduced from the required 9, to 7.

Along Route 85, there is an existing 30 foot wide sanitary sewer easement over an existing sewer line, power lines with poles and traffic control devices on poles. This plan is in accordance with the planned widening of Route 85. With all these factors in play, it is requested that a modification from 8 street trees be waived and replaced with shrub plantings along the properties frontage.

For these reasons, we request a modification to reduce the street tree requirement along Executive Way from 9 trees to 7, and along Route 85, to replace the required street trees w/ supplemental shrub plantings.

Thank you for your consideration, if there are any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to be "B. A. D.", followed by a horizontal line extending to the right.



Sheetz, Inc.
2708 Mount Olive Court
Mount Airy, MD 21771

Phone: 814.552.0609
e-mail: LMay@Sheetz.com

November 6, 2019

TO: Jerry Muir
Principal Planner
Department of Development Review
Frederick County, Maryland
30 North Market Street
Frederick, MD 21701

RE: Proposed Sheetz at Omega Center; SP19-16; Project No. 19863
Buckeystown Pike at Executive Way
Frederick, MD

Dear Jerry:

The drive-thru configuration shown on the site plan is a similar design to what we have built and now operate at many locations. We have drive-thrus at more than 100 locations that have operated for many years without any significant issues but we understand your concern with this atypical configuration when compared to a typical fast food restaurant or bank.

It is important to understand that a Sheetz drive-thru is not the same as a drive-thru at a fast food restaurant. We asked our analytics team to provide some data for our drive-thru for comparison. The analytics team provided the total number of drive-thru transactions broken down by each hour of the day so that we could focus on the peak hour. The average peak hour is from noon to 1:00 pm for our 110 stores with a drive-thru. The average volume or number of cars served in the drive-thru during that peak hour is 9.8. We then asked them to refine the analysis to include only the ten busiest or top ten volume drive-thrus. The average number of transactions for the top volume drive-thrus is 15.7 with the same peak hour of noon to 1:00pm. That would mean roughly one car every 4 minutes would move through the drive-thru. For comparison, the average McDonald's or Chick-fil-a averages about 140 or more cars per hour during their peak volume hour.

We also install signs such as "Do Not Block Intersection" and "Stop" as measures to ensure the success of this design.

I trust that this information is useful for consideration during your review of our site plan and the typical Sheetz drive-thru design. I would also like to mention that our store located at 8408 Woodsboro Pike, Walkersville, MD has a similar drive-thru configuration if you would like to observe an operating one nearby.

Sincerely,

Lee May
Engineering/Permit Manager
Sheetz, Inc.
LMay@Sheetz.com
814.552.0609 cell